

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Application of

Golden Meditech Holdings Limited

for an Order Pursuant to 28 U.S.C. § 1782 to
Conduct Discovery for Use in Foreign Proceedings

Case No. 24 Misc. _____

**EX PARTE APPLICATION FOR JUDICIAL ASSISTANCE TO OBTAIN EVIDENCE
FOR USE IN FOREIGN PROCEEDINGS PURSUANT TO 28 U.S.C. § 1782**

Applicant Golden Meditech Holdings Limited (hereinafter “Applicant”), by and through its undersigned counsel, Kellner Herlihy Getty & Friedman LLP, along with a Memorandum of Law, the Declaration of Wan Chun Keung Conrad dated January 12, 2024, the Declaration of Thomas Vandenabeele dated January 15, 2024, and their respective accompanying Exhibits, respectfully submits this Application for judicial assistance pursuant to 28 U.S.C. § 1782, in obtaining documentary evidence for use in foreign proceedings. Applicant seeks evidence from: Citibank, N.A.; (ii) The Bank of New York Mellon; (iii) Société Générale, New York Branch; (iv) HSBC Bank USA, N.A.; (v) BNP Paribas USA; (vi) JPMorgan Chase Bank, N.A.; (vii) Wells Fargo Bank, N.A.; (viii) Deutsche Bank Trust Co. Americas; (ix) UBS AG; (x) Bank of America, N.A.; (xi) Bank of China, New York Branch; (xii) Standard Chartered Bank US; (xiii) Commerzbank AG, New York Branch; and (xiv) The Clearing House Payments Company L.L.C. (together the “Respondents”), each of which is found in this District.

Applicant satisfies each of the three statutory requirements set forth in 28 U.S.C. § 1782. *First*, the Respondents from whom discovery is sought are each found within the Southern District of New York. *Second*, the discovery sought by Applicant is “for use” in connection with pending proceedings described in the accompanying Declaration of Wan Chun Keung Conrad, brought in Hong Kong against eight foreign defendants, namely: (i) Mr. Yuan Ya Fei (also known as Li Zhen

Yuan Adams), (ii) Ms. Yang Huai Zhen, (iii) Mr. Xu Ping, (iv) Mr. Chen Xiao Yang, (v) Nanjing Ying Peng Huikang Medical Industry Investment Partnership, (vi) Nanjing Li Xin Trading Industrial Co Ltd, (vii) Blue Ocean Creation Investment Hong Kong Limited, and (viii) Blue Ocean Structure Investment Company Limited (collectively, the “**Foreign Defendants**”) before the High Court of the Hong Kong Special Administrative Region Court of First Instance (the “**Foreign Proceedings**”). *Third*, Applicant is an interested person within its capacity as plaintiff in the Foreign Proceedings.

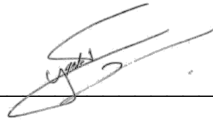
Further, each of the discretionary factors established in *Intel Corp. v. Advances Micro Devices, Inc.*, 542 U.S. 241, 265-65 (2004), militate in favor of granting this Application. *First*, there is no expectation that any of the Respondents from whom discovery is sought will be participants in the Foreign Proceedings and, as such, this Application constitutes the only practical and timely method for obtaining the needed evidence for use there. *Second*, there is no indication that the foreign tribunal would be unreceptive to the evidence. *Third*, the documentary and testimonial evidence sought through the instant Application would likely be admissible in the Foreign Proceedings and does not otherwise circumvent any proof-gathering restriction under the laws of Hong Kong. *Fourth*, the discovery sought through this Application is not unduly intrusive or burdensome because it is of limited scope. The proposed requests to the Respondents seek banking records held by the Respondents concerning the Foreign Defendants for the limited period beginning February 1, 2017 to the present.

Accordingly, for the reasons described in the accompanying Memorandum of Law, the Declaration of Wan Chun Keung Conrad, the Declaration of Thomas Vandenabeele, and their respective accompanying Exhibits, Applicant respectfully requests that the Court issue an Order in the proposed of substantially similar form as the accompanying Proposed Order (1) granting

judicial assistance pursuant to 28 U.S.C. § 1782, (2) authorizing Applicant to serve subpoenas in substantially similar form as the forms attached hereto as Exhibit A for discovery of records of funds transfers in any way involving the Foreign Defendants, and (3) waiving service by Applicant of this Application on the Foreign Defendants and the Respondents, and of the Order and subpoenas on the Foreign Defendants.

Dated: January 16, 2024

Respectfully submitted,

By:  _____

Thomas Vandenabeele

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